

EXHIBIT A

COVER SHEET Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		Court Identification Docket Number 24 CI 19 County # Judicial Court ID District (OH, CI, CO) 3 9 Month Date Year This area to be completed by clerk	Case Year 2019 CLS	Docket Number 00169 Local Docket ID			
Mississippi Supreme Court Administrative Office of Courts		Form AOCJ01 (Revised 1/1/2001)					
IN THE CIRCUIT COURT OF HARRISON COUNTY							
Short Style of Case: <u>Ballie Bye v. MGM Resorts International, Inc. d/b/a Beau Rivage Resort and Casino</u>							
Party Filing Initial Pleading: Type/Print Name <u>Daniel M. Waldo</u> MS Bar No. <u>103543</u>							
Check (✓) if Not an Attorney <u>Check (✓) if Pro Hac Vice</u> Signature <u>[Signature]</u>							
Compensatory Damages Sought: \$ <u> </u> Punitive Damages Sought: <u> </u>							
Is Child Support contemplated as an issue in this suit? <u>Yes</u> <u>No</u> If "yes" is checked, please submit a completed Child Support Information Sheet with Final Decree/Judgment							
PLAINTIFF - PARTY(IES) INITIALLY BRINGING SUIT SHOULD BE ENTERED FIRST (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL PLAINTIFFS ON SEPARATE FORM							
Individual <u>Smith</u> <u>Ballie</u> <u>Michael</u> <u>Bailie</u> <u> </u> <u> </u> Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/V							
Address of Plaintiff <u> </u>							
<u>Check (✓) if Individual Plaintiff is acting in capacity as Executor(rix) or Administrator(rix) of an Estate, and enter style:</u> Estate of <u> </u>							
<u>Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:</u> D/B/A / Agency <u> </u>							
Business <u> </u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated							
<u>Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:</u> D/B/A: <u> </u>							
DEFENDANT - NAME OF DEFENDANT (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL DEFENDANTS ON SEPARATE FORM							
Individual <u> </u> <u> </u> <u> </u> <u> </u> <u> </u> Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/V							
<u>Check (✓) if Individual Defendant is acting in capacity as Executor(rix) or Administrator(rix) of an Estate, and enter style:</u> Estate of <u> </u>							
<u>Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:</u> D/B/A / Agency <u> </u>							
Business <u>MGM Resorts International, Inc.</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated							
<u>Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:</u> D/B/A: <u>Beau Rivage Resort and Casino</u>							
ATTORNEY FOR THIS DEFENDANT: <u> </u> Bar No. <u> </u> or Name: <u> </u> Pro Hac Vice (✓) <u> </u> (if known)							
In left hand column, check one (1) box that best describes the nature of this suit. In right hand column check all boxes which indicate secondary claims.							
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%; vertical-align: top;"> <div style="text-align: center;">Business/Commercial</div> <div> <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Bankruptcy <input type="checkbox"/> Business Dissolution - Corporation <input type="checkbox"/> Business Dissolution - Partnership <input type="checkbox"/> Debt Collection <input checked="" type="checkbox"/> Employment <input type="checkbox"/> Examination of Debtor <input type="checkbox"/> Execution <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Pension <input type="checkbox"/> Receivership <input type="checkbox"/> Replevin <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other <u> </u> </div> <div style="text-align: center;">Domestic Relations</div> <div> <input type="checkbox"/> Child Custody/Violation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce/ Fault <input type="checkbox"/> Divorce/ Irreconcilable Differences <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (formerly URESA) <input type="checkbox"/> Other <u> </u> </div> <div style="text-align: center;">Contract</div> <div> <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Product Liability under Contract <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other <u> </u> </div> </td> <td style="width: 33%; vertical-align: top;"> <div style="text-align: center;">Probate</div> <div> <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Holship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other <u> </u> </div> <div style="text-align: center;">Statutes/Rules</div> <div> <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> ERISA <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Extraordinary Writ <input type="checkbox"/> Federal Statutes <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Municipal Annexation <input type="checkbox"/> Receivership (RICO) <input type="checkbox"/> Railroad <input type="checkbox"/> Speman <input type="checkbox"/> Other <u> </u> </div> <div style="text-align: center;">Appeals</div> <div> <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Employment Security Comm'n <input type="checkbox"/> Municipal Court <input type="checkbox"/> Oil & Gas Board <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other <u> </u> </div> </td> <td style="width: 33%; vertical-align: top;"> <div style="text-align: center;">Children and Minors - 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Case: 24CI2-19-cv-00169 Document #: 1-5 Filed: 11/13/2019 Page 1 of 1							

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

Second Judicial District

BAILIE BYE

PLAINTIFF

V.

CIVIL ACTION NO.: A2402-2019-169

MGM RESORTS INTERNATIONAL, INC.
d/b/a BEAU RIVAGE RESORT AND CASINO

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI
COUNTY OF HARRISON

TO: MGM Resorts International, Inc.
d/b/a Beau Rivage Resort and Casino
c/o Corporation Service Company
7716 Old Canton Road, Suite C
Madison, MS 39110

THE COMPLAINT, WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to Daniel M. Waide, P.O. Box 17738, Hattiesburg, MS 39404, attorney for the Plaintiffs. Your response to the Complaint must be mailed or delivered within 30 days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 13th day of November, 2019.

Connie Ladner,
HARRISON COUNTY CIRCUIT CLERK

By: *Daniel M. Waide*



Daniel M. Waide, (MSB#103543)
1300 HARDY ST.
PO BOX 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
601-582-4556 (FAX)
dwaide@jhrllaw.net

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

Second Judicial District

BAILIE BYE

FILED
NOV 13 2019

PLAINTIFF

VERSUS

CONNIE LADNER
CIRCUIT CLERK
BY *Michael A. Henry* D.C.

CIVIL ACTION NO.: A2402-2019-169

MGM RESORTS INTERNATIONAL, INC,
d/b/a BEAU RIVAGE RESORT AND CASINO

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual and punitive damages for pregnancy discrimination in violation of the Title VII of the Civil Rights Act of 1964 and sex discrimination. The following facts support the action:

1.

Plaintiff, Bailie Bye, is an adult resident citizen of Harrison County, Mississippi who may be contacted through undersigned Counsel.

2.

Defendant, MGM RESORTS INTERNATIONAL, INC. is a foreign corporation licensed and doing business in Mississippi who may be served with process through its registered agent Corporation Service Company at 7716 Old Canton Road, Suite C, Madison, Mississippi 39110.

3.

This court has concurrent jurisdiction under 28 U.S.C. § 1331 and civil rights jurisdiction under 28 § 1343, for a cause of action arising under the Title VII of the Civil Rights Act of 1964,

as amended by the Civil Rights Act of 1991. Venue is proper, because Defendant's employed in Plaintiff in Biloxi, Mississippi.

4.

Plaintiff has filed an EEOC charge attached hereto as Exhibit "A" and has received a Right-to-Sue letter attached hereto as Exhibit "B". Plaintiff filed a second EEOC charge attached hereto as Exhibit "C" and has received a Right-to-Sue letter attached hereto as Exhibit "D."

5.

Plaintiff was employed by the Defendant in Biloxi as a waitress for several years. Plaintiff did an excellent job and was even told by the casino CEO that she was an excellent employee. Prior to having her second child, out of town management would often sit in Plaintiff's section at the restaurant because of the service the Plaintiff provided.

6.

Following the birth of Plaintiff's first child while working for the Defendant, Plaintiff experienced extreme difficulties in being allowed time to breast pump while at work. The issues became so bad that Plaintiff had to quit breast feeding and pumping and Plaintiff experienced issues of post-partem depression.

7.

Plaintiff's second child was born in early 2019 and Plaintiff returned from maternity leave in March of 2019. Again, Plaintiff attempted to pump so she could breast feed her new baby. Plaintiff again began to experience difficulties from the Defendant in being allowed time at work to pump. This time however, the Plaintiff had learned that under Title VII and the

pregnancy discrimination act that she was entitled to pump at work and Plaintiff went to her managers and human resources.

8.

Plaintiff was told that a room would be provided and that she would be allowed breaks to pump at work. The room was filthy, and Plaintiff had to complain to make sure that the room was cleaned up so that the room was sanitary to pump.

9.

Plaintiff began to experience harassment from managers and co-workers because of her need for extra break time to pump at work. Plaintiff's breaks were sporadic and Plaintiff had to beg her managers to allow her to take breaks. Every time she needed a break the Plaintiff was questioned or told that she had to wait.

10.

Plaintiff's doctor even wrote a note stating that Plaintiff needed breaks at designated times, which the Defendant questioned and demanded more from the doctors. When Plaintiff was not given regular breaks, her breast became engorged from milk production and painful to the point that Plaintiff would be in unbearable pain at work.

11.

As an example, Plaintiff went to her managers because she needed her pump break, which was well past due. Plaintiff was told that she could not take a break until employees who had not taken their breaks yet had taken their breaks. Plaintiff was told that once the other employees took breaks, she could then take her pump break, which would have been hours past its required time.

12.

Plaintiff came to learn that at least one manager was trying to get Plaintiff terminated and that the manager had a group text message with all the staff except for Plaintiff. When this issue was brought up to the Defendant, no action was taken.

13.

Because of the Plaintiff's pumps breaks and complaints, co-workers began to harass Plaintiff. Plaintiff was often left without supplies for her station, while all other servers had their stations fully stocked. On one occasion, Plaintiff had to leave early because her child had to be taken to the hospital. As Plaintiff was leaving, co-workers began yelling and cheering that Plaintiff was leaving early. Supervisors admitted that these co-workers should not behave in such a manner, but no action was taken by the Defendant.

14.

After Plaintiff made her initial Complaint to the EEOC, supervisors and out of town Defendant employees began to avoid sitting in Plaintiff's section. Supervisors began to avoid Plaintiff and co-workers began to harass and mistreat Plaintiff even more than before. The stress and anxiety became unbearable. Plaintiff continued to endure physical pain from not being allowed to take pump breaks. Plaintiff was forced to leave her employment because she could no longer endure the harassment and physical pain from not being allowed to take her pump breaks.

15.

The acts and omissions of the Defendant was in violation of Title VII. Plaintiff lost her employment because of her pregnancy and being female. Plaintiff's constructive discharge was a direct and proximate result of the Defendant's acts and omissions.

16.

Plaintiff is entitled to actual damages for mental anxiety and stress and lost income.

Defendant's actions are outrageous such that punitive damages are due.

PRAYER FOR RELIEF

Plaintiff prays for actual, compensatory, special, and punitive damages in the amount to be determined by a jury, reinstatement and for reasonable attorney's fees.

THIS the 11th day of November, 2019.

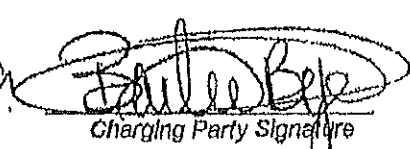
Respectfully submitted,

**DANIEL BYE,
PLAINTIFF**


DANIEL M. WAIDE, MSB #103543

Daniel M Waide, MS Bar #103543
Johnson, Ratliff & Waide, PLLC
1300 Hardy Street
Hattiesburg, MS 39401
T: (601) 582-4553
F: (601) 582-4556
dwaide@jhrldaw.net

EEOC Form 5 (501)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC <small>State or Local Agency, if any</small>			
Name (Indicate Mr, Ms, Mrs.) Baile Bye		Home Phone (Incl. Area Code) 228-860-6334	
Date of Birth 12/28/1993			
Street Address City, State and ZIP Code 21265 Success Road, Saucier, MS 39574			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Beau Rivage Resort & Casino		No. Employees, Members 16 +	
Phone No. (Include Area Code) 888-567-6667 / 228-386-7516			
Street Address City, State and ZIP Code 875 Beach Blvd Biloxi, MS 39530			
Name _____		No. Employees, Members _____	
Phone No. (Include Area Code) _____			
Street Address City, State and ZIP Code _____			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest March 15, 2019 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s): I want the EEOC to investigate my claims of sex discrimination. I am a server at the Terrace Café at the Beau Rivage. I returned from maternity leave in March of 2019 and since that time I have been denied the ability to take needed breaks and use a breast pump. I even went to the extent of getting a doctor's note telling my supervisors that I had to take breaks to pump. Even with the doctors note I am not allowed breaks unless it is convenient for my managers, causing me a lot of pain and issues with milk production and leaking. I have complained to every person in management and the more I complain the more harassment I incur at work, including frivolous write ups and loss of tables. I have been sent home after going to human resources and the managers have actually stirred up other workers to harass me even more. My supervisors refuse to provide me reasonable accommodations and breaks, even though we have people who's job it is to allow servers to take breaks. I want the EEOC to investigate my claims of harassment, discrimination, and retaliation.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY -- When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct. 5/29/2019  Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EXHIBIT

A

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Balle Bye**
21265 Success Road
Saucier, MS 39674

From: **Jackson Area Office**
100 West Capitol Street
Suite 338
Jackson, MS 39209



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

423-2019-01391

Mildred J. Stuckey,
Enforcement Supervisor

(601) 948-8406

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Enclosures(s)

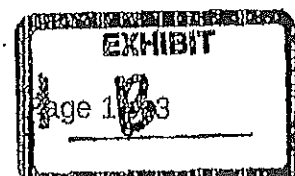
Eszeean S. McDuffey
Eszeean S. McDuffey,
Director

09/17/2019
 (Date Mailed)

cc:

Debbie Ramey
Sr. Employee/Labor Relations Partner
BEAU RIVAGE RESORT & CASINO
875 Beach Boulevard
Biloxi, MS 39530

Daniel M. Waide
JOHNSON, RATLIFF & WAIDE, PLLC
Post Office Box 17738
Hattiesburg, MS 39404



Enclosure with EEOC
Form 181 (11/19)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:


If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

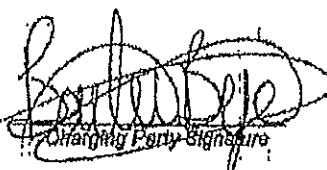
ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

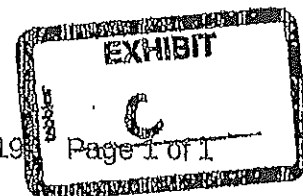
You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

05/31/2019 FRI 13:22 FAX 601-994556 Johnson Ratliff Waide

2062/002

CHARGE OF DISCRIMINATION <small>THIS form is adopted by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented to: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA 423-2019-01391 <input checked="" type="checkbox"/> EEOC	
_____ and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr, Ms, Mrs.) Baile By		Home Phone (Incl. Area Code) 228-880-8334	
Date of Birth 12/28/1993			
Street Address 21265 Success Road, Saucier, MS 39574			
City, State and ZIP Code			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Beau Rivage Resort & Casino		No. Employees, Members 15 +	
Phone No. (Include Area Code) 888-867-6887/888-886-2516			
Street Address 875 Beach Blvd Biloxi, MS 39530			
City, State and ZIP Code			
Name _____		No. Employees, Members _____	
Phone No. (Include Area Code) _____			
Street Address _____			
City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest _____ March 18, 2019 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)). I want the EEOC to investigate my claims of sex discrimination. I am a server at the Terrace Café at the Beau Rivage. I returned from maternity leave in March of 2019 and since that time I have been denied the ability to take needed breaks and use a breast pump. I even went to the extent of getting a doctor's note telling my supervisors that I had to take breaks to pump. Even with the doctors note I am not allowed breaks unless it is convenient for my managers, causing me a lot of pain and issues with milk production and leaking. I have complained to every person in management and the more I complain the more harassment I incur at work, including frivolous write ups and loss of tables. I have been sent home after going to human resources and the managers have actually stirred up other workers to harass me even more. My supervisors refuse to provide me reasonable accommodations and breaks, even though we have people who's job it is to allow servers to take breaks.			
I want the EEOC to investigate my claims of harassment, discrimination, and retaliation.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Date 5/29/2019		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Charging Party Signature 			

CHARGE OF DISCRIMINATION <small>This form is subject to the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented to: Agency/(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mm.) Bailla Bye		Home Phone (incl. Area Code) 228-860-8334	
Date of Birth 12/28/1993			
Street Address 21265 Success Road, Saucier, MS 39574			
City, State and ZIP Code			
Named to the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Beau Rivage Resort & Casino		No. Employees, Members 15 +	
Phone No. (include Area Code) 888-587-8887			
Street Address 876 Beach Blvd Biloxi, MS 39630			
City, State and ZIP Code			
Name Beau Rivage Resort & Casino		No. Employees, Members 15 +	
Phone No. (include Area Code) 888-587-8887			
Street Address 876 Beach Blvd Biloxi, MS 39630			
City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest March 15, 2019 July 2, 2019 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)). I previously filed a charge with the EEOC against the Beau Rivage Resort & Casino. I was forced to quit my job at the Beau Rivage due to them refusing to allow me to take breaks to pump breast milk, along with harassment from my coworkers.			
I want the EEOC to investigate my claims of harassment, discrimination, and retaliation.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct. 8/2/2019  Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	



EEOC Form 181 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Balle Bye**
21265 Success Road
Saucier, MS 39574

From: **Jackson Area Office**
100 West Capitol Street
Suite 338
Jackson, MS 39269



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

423-2019-01781

Mildred J. Stuckey,
Enforcement Supervisor

(601) 948-8400

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge..



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Enclosures(s)

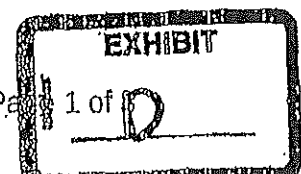
Ezean S. McDuffey
Ezean S. McDuffey,
Director

09/17/2019
 (Date Mailed)

cc:

Debbie Ramey
Sr. Employee/Labor Relations Partner
BEAU RIVAGE RESORT & CASINO
875 Beach Boulevard
Biloxi, MS 39530

Daniel M. Waide, Esq.
JOHNSON, RATLIFF & WAIDE, PLLC
1300 Hardy Street
Hattiesburg, MS 39401



Enclosure with EEOC
Form 161 (11/16)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment; back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

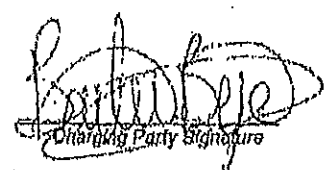
ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

CHARGE OF DISCRIMINATION <small>This form is covered by the Privacy Act of 1974. See enclosed Privacy Act Statement and other instructions before completing this form.</small>		Charge Presented to: Agency(ies) Charge No(s) <input checked="" type="checkbox"/> FEPA 423-2019-01781 <input checked="" type="checkbox"/> EEOC	
_____ and EEOC State or Local Agency, if any			
Name (Indicate Mr, Ms, Mrs) Belle Bye		Home Phone (incl. Area Code) 228-880-8934	
Date of Birth 12/28/1993			
Street Address 21265 Success Road, Bayou La Batre, MS 39574			
City, State and ZIP Code			
Name of the Employer, Labor Organization, Employment Agency, Appropriate Regulatory Commission, or State or Local Government Agency Beau Rivage Resort & Casino, 1500 Beach Blvd., Biloxi, MS 39530 (If more than two, list under PARTICULARS below.)			
Name Beau Rivage Resort & Casino		Phone No. (Include Area Code) 888-887-8887	
Street Address 675 Beach Blvd		City, State and ZIP Code Biloxi, MS 39530	
Name Beau Rivage Resort & Casino		Phone No. (Include Area Code) 888-887-8887	
Street Address 675 Beach Blvd		City, State and ZIP Code Biloxi, MS 39530	
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below)		DATE(S) DISCRIMINATION TOOK PLACE Earliest: March 16, 2019 Latest: July 2, 2019 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I previously filed a charge with the EEOC against the Beau Rivage Resort & Casino, I was forced to quit my job at the Beau Rivage due to them refusing to allow me to take breaks to pump breast milk, along with harassment from my coworkers.			
I want the EEOC to investigate my claims of harassment, discrimination, and retaliation.			
I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date 8/2/2019		SIGNATURE OF COMPLAINANT 	
Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

RECEIVED
 U.S. EEOC/JAO

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

Second Judicial District

BAILIE BYE

PLAINTIFF

V.

CIVIL ACTION NO.: A2402-2019-169

MGM RESORTS INTERNATIONAL, INC.
d/b/a BEAU RIVAGE RESORT AND CASINO

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI
COUNTY OF HARRISON

TO: MGM Resorts International, Inc.
d/b/a Beau Rivage Resort and Casino
c/o Corporation Service Company
7716 Old Canton Road, Suite C
Madison, MS 39110

THE COMPLAINT, WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to Daniel M. Waide, P.O. Box 17738, Hattiesburg, MS 30404, attorney for the Plaintiffs. Your response to the Complaint must be mailed or delivered within 30 days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 13th day of November, 2019.

Connie Ladner,
HARRISON COUNTY CIRCUIT CLERK

By: *Michael M.*



Daniel M. Waide, (MSB#103543)
1300 HARDY ST.
PO Box 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
601-582-4556 (FAX)
dwaide@jhrllaw.net

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

Second Judicial District

BAILIE BYE

PLAINTIFF

V.

CIVIL ACTION NO.: A2402-2019-169

MGM RESORTS INTERNATIONAL, INC.
d/b/a BEAU RIVAGE RESORT AND CASINO

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI
COUNTY OF HARRISON

TO: MGM Resorts International, Inc.
d/b/a Beau Rivage Resort and Casino
c/o Corporation Service Company
7716 Old Canton Road, Suite C
Madison, MS 39110

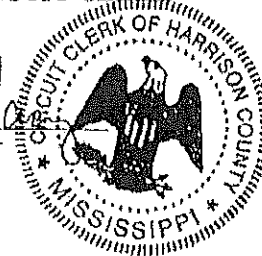
THE COMPLAINT, WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to Daniel M. Waide, P.O. Box 17738, Hattiesburg, MS 39404, attorney for the Plaintiffs. Your response to the Complaint must be mailed or delivered within 30 days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 13th day of November, 2019.

Connie Ladner,
HARRISON COUNTY CIRCUIT CLERK

By: *Michael M. Waide*



Daniel M. Waide, (MSB#103543)
1300 HARDY ST.
PO BOX 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
601-582-4556 (FAX)
dwaide@jhrlaw.net

AFFIDAVIT OF SERVICE

Case: A2402- 2019-169	Court: IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI SECOND JUDICIAL DISTRICT	County: HARRISON, MS	Job: 4056196
Plaintiff / Petitioner: BAILEY BYE		Defendant / Respondent: MGM RESORTS INTERNATIONAL, INC. D/B/A BEAU RIVAGE RESORT AND CASINO	
Received by: Spencer Process Service		For: JOHNSON, RATLIFF & WAIDE, PLLC	
To be served upon: MGM RESORTS INTERNATIONAL, INC. D/B/A BEAU RIVAGE RESORT AND CASINO C/O CORPORATION SERVICE COMPANY			

I, Bobby McGuffie, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: ROBBIE KEY, ADMIN ASSISTANT, AUTHORIZED TO ACCEPT SERVICE FOR MGM RESORTS INTERNATIONAL, INC. D/B/A BEAU RIVAGE RESORT AND CASINO C/O CORPORATION SERVICE COMPANY, 7716 OLD CANTON RD SUITE C, MADISON, MS 39110

Manner of Service: Corporation, Dec 6, 2019, 9:15 am CST

Documents: SUMMONS, COMPLAINT, COVER SHEET CIVIL CASE FILING FORM WITH EXHIBITS (Received Dec 5, 2019 at 3:15pm CST)

Additional Comments:

1) Successful Attempt: Dec 6, 2019, 9:15 am CST at 7716 OLD CANTON RD SUITE C, MADISON, MS 39110 received by ROBBIE KEY, ADMIN ASSISTANT, AUTHORIZED TO ACCEPT SERVICE FOR MGM RESORTS INTERNATIONAL, INC. D/B/A BEAU RIVAGE RESORT AND CASINO C/O CORPORATION SERVICE COMPANY. Age: 63; Ethnicity: Caucasian; Gender: Female; Weight: 160; Height: 5'4"; Hair: Brown; Eyes: Green;

Bobby McGuffie 12/8/19
Bobby McGuffie Date

Spencer Process Service
664 HIGHWAY 2
CORINTH, MS 38834
662-872-3259

Subscribed and sworn to before me by the affiant who is personally known to me.

Lindsey M Bryant
Notary Public
12/8/19
Date Commission Expires

